

Demetrius Bailey, pro se.

v. Plaintiff Civil Action No. 08-cv-58  
Street Knowledge Publishing, Inc.,  
Defendant.



Motion To Make Service

Plaintiff states that the Complaint states a claim upon which relief can be granted when Plaintiff sent money to order books and this company stole the money by theft with false advertisement. Plaintiff asks the Court pursuant to Fed. R. Civ. P. 4(c)(3) that Service be made by the U.S. Marshall since IFP was granted in this case.

BRIEF IN SUPPORT OF MOTION

The summons and complaint are suppose to be served within 120 days after the complaint is filed. In forma pauperis complaints are not actually filed when the clerk receives them; they are filed after IFP status is granted. Welch v. Filsinger, 925 F.2d 666, 667, 672 (3d Cir. 1991); Boudette v. Burnette, 923 F.2d 754, 757 (9th Cir. 1991); see also: Unrepresented v. Wrigley, 25 F.3d 36 (3d Cir. 1994).

Plaintiff request that the Court order the U.S. Marshall to serve the Summons and Complaint upon Defendant.

DATE: April 8, 2008

Demetrius Bailey CP789

